

FILED

NOV 17 2022

CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

AFFIDAVIT OF STATEMENT OF FACTS

Notice to all, I, am that I am, the consumer in fact, natural person, original creditor, lender, executor, administrator, holder in due course for any and all derivatives thereof for the surname/given name Yaniesha Precious Hendking and I have been appointed and accept being the executor both public and private for all matters proceeding, and I hereby claim that I will d/b/a YANIESHA HENDKING and autograph as the agent, attorney in fact, so be it;

Whereas, I of age, of majority, give this herein notice to all, I make solemn oath to the one and only most high of creation, whoever that may be, and I depose the following facts, so be it, now present:

Fact, This Affidavit of Statement of Facts has been created to Support Plaintiff Objection To Magistrate's Report and Recommendation (Doc. No. 5) and Memorandum Opinion and Order (For Doc. No 7, 10, 13) Entered November 3rd 2022. Case Number 1:22-cv-01777.

Fact, I Yaniesha Hendking, the Plaintiff and Affiant, affirm that CARVANA, LLC and its employee(s) have knowingly transferred or used my means of identification without lawful authority multiple times. A direct violation of 18 U.S. Code § 1028(a)(7), 18 U.S. Code § 1028(a)(8), 18 U.S. Code § 1028A which is punishable by imprisonment.

Fact, Affiant has filed an Identity Theft Report with the Federal Trade Commission and a Police Report regarding the matter stated herein.

Fact, Jordan Firman's Declaration which he declared under penalty and perjury that the arbitration agreement that obtains Affiant's electronic signature is true and correct when Envelope Details are conspicuously displaying that it was entered/transferred by a person other than Affiant as the In Person section does not stated any events.

Fact, Notice The DocuSign Certificate of Completion Docket No. 14 the Defendants attorneys filed shows there is no In Person Signer Events.

Fact, Affiant did not sign electronically in person and neither by wet ink signature giving consent to arbitration at the hub location at 3720 Morgan Cashmans Way Las Vegas Nevada 89111.

Fact, According to Jonalyn for In-Person Signing, the signature will show under In Person Signer Events including the Signature and Timestamp. See Exhibit G.

Fact, Jordan Firman affirmed "The DocuSign process requires a person to review and sign an arbitration agreement or other transaction document from his or her own unique email address. Only a person with access to the person's email address and password can thus review and sign an arbitration agreement or other transaction document through DocuSign." This statement also confirms Exhibit A. However it does not reveal that an invitation was sent to Affiants email.

Fact, Affiant made a case with DocuSign regarding this matter and requested the Envelope Details/Activity History to discover the actual actions taken, IP addresses including time and dates of the parties involved.

Fact, Notice the reference number ref: _00D30bS4._5008Z201Q4B:ref and DocuSign support case number 10234878 for validity if DocuSign must be subpoenaed.

Fact, Affiant filed Envelope Details within Exhibit 44 filed with Amended Complaint which were emailed directly from Joe from DocuSign Global Support/Customer Support and it states Affiant signed June 15th 2021 at 23:04:46 with the User IP 172.58.78.149 being the location of Carvana's hub/vending machine in Las Vegas.

Fact, 2300 hours is 11pm in military time.

Fact, Affiant appointment was at 4:00pm June 15th 2021 not 11:04pm.

Fact, According to Louie Jay a DocuSign customer support agent stated the following:

Date Signed field: The time zone and date/time format information shown in Date fields and form data in the signing user interface and PDF documents depends on the following items:

- If the signer has a DocuSign eSignature account, then the time zone that is set under "My Preferences > Regional Settings > Specify a time zone" on the signer's account is used. **Note:** By Default, all signer accounts are set to a default of PST for the time zone.

Fact, by default the timezone is set to PST for the envelope history that was emailed to me and attached as Exhibit F.

Fact, Las Vegas Nevada runs on PST.

Fact, The Envelope Details are with this Affidavit as Exhibit D and Exhibit E are listed in military time based on PST and according to DocuSign their time format for Envelope Details are in military time.

Fact, Affiant's signature was electronically forged/entered/transferred on June 15th 2021 by CARVANA, LLC and its employee(s) who may be Daidre Visser who is the employee Affiant met at both appointments and or Tan Nguyen whose name is upon the Certificate of Completion.

Fact, Affiant did not give consent for an arbitration agreement pertaining to the 2018 Mercedes Benz GLC300 automobile.

Fact, the Defendant Carvana and their attorneys Gregory Saetrum, Stephen Fazio and Rebecca Haverstick at SQUIRE PATTON BOGGS (US) LLP are being deceptive and are filing deceptive information to the Court in an attempt to deceive this honorable Court.

Fact, Affiant's first contracts were also forged without lawful authority.

Fact, CARVANA, LLC and its employee(s) knowingly transferred or used Affiant's means of identification without lawful authority prior to being given consent to use electronic formations.

Fact, CARVANA, LLC conjointly forged Affiants means of identification on May 30th 2021 at 2:19am and the IP address also shows the Las Vegas hub/vending machine location. See Exhibit B and D.

Fact, Affiant signed for and picked up the 2017 Mercedes Benz GLA250 on June 2nd 2021 at the appointment time 2:00pm. **Exhibit B**

Fact, Notice there are no other actions after June 1st 2021 when Affiant gave consent June 2nd 2021.

Fact, CARVANA, LLC and its employees mentioned herein are showing a pattern of fraudulent, deceptive, unlawful, and unfair actions. Clear Antitrust violations.

Fact, According to "How Do DocuSign Electronic Signatures Work?" directly on www.DocuSign.com DocuSign has a simple electronic signing system that is set up in three easy steps that are as follows below:

1. Step 1 Upload your document: Simply upload a Microsoft Word, PDF, or other common document format from your computer or from popular file-sharing sites like Box, Dropbox, Google Drive, and OneDrive.
2. Step 2 Indicate who needs to sign: Add the names and email addresses of your signers and other recipients, and even specify the order in which they should sign.
3. Step 3 Place fields and send: Drag and drop DocuSign fields to indicate where you need a signature, initial, or date. You can also add standard or custom fields or signers to fill in. Then click Send. DocuSign emails a link to each recipient which they can use to access the document. Once the document is complete, it's started securely for easy retrieval.

See Exhibit A screenshot from www.DocuSign.com

Fact, DocuSign has not sent Affiant any invitation whatsoever regarding electronically signing for the 2017 Mercedes Benz GLA250 or the 2018 Mercedes Benz GLC300 contracts.

Fact, Defendants DocuSign Certificate of Completion has a number of questionable flaws. Plaintiffs alleges that it may be altered. It obtains the date May 29th 2021 for record and signature disclosure. That date is prior to June 15th 2021 and June 2nd 2021. This is disclosing further unfair, deceptive and unlawful actions from Carvana and its employee(s).

Fact, It is unfair and deceptive and not to forget to mention unlawful for Carvana and its employees, agents or whatever to forge, transfer, enter Affiants signature prior to even presenting any contracts for review. To assume this right to transfer Affiants means of identification without lawful authority multiple times is not lawful.

CERTIFICATE OF SERVICE

Stephen M. Fazio
Rebecca W. Haverstick
SQUIRE PATTON BOGGS US (LLP)
1000 Key Tower
127 Public Square
Cleveland Ohio 44114

Attorneys for Defendants

USPS Mailing:

EXPRESS Priority Mail
Certified Mail

Honorably Submitted,

A handwritten signature in black ink, appearing to read "By: Hendking, Yaniesha-P". The signature is stylized and cursive.

By: Hendking, Yaniesha-P/Surety/Grantee Absolute All Rights Reserved

c/o 5247 Wilson Mills Rd #1013

Richmond Heights Ohio [44124]

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